

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Gary S. Dean

v.

Civil No. 10-cv-23-JL

Larry Blaisdell, Warden,  
Northern New Hampshire  
Correctional Facility

**REPORT AND RECOMMENDATION**

Gary Dean has filed a Motion for Reconsideration (document no. 10) requesting that the District Judge reconsider his July 2, 2010 Order (document no. 8) approving a Report and Recommendation (document no. 5) issued on April 21, 2010.<sup>1</sup> Dean filed a Notice of Appeal (document no. 11) of the Judgment (document no. 9) entered in accordance with the July 2, 2010 Order prior to the District Court entering any ruling on the Motion for Reconsideration (document no. 10). The matter is presently before the First Circuit Court of Appeals. Dean's appeal concerns the same substantive issues as those he has asked the District Court to consider in his Motion for Reconsideration. It is inappropriate for this Court to consider a matter where the

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<sup>1</sup>The Report and Recommendation was approved over Dean's Objection (document no. 7).

same issue in the same case is presently pending before the First Circuit Court of Appeals. Accordingly, I recommend that the Motion for Reconsideration be denied.

Any objections to this report and recommendation must be filed within fourteen (14) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauth. Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).

A handwritten signature in black ink, appearing to be 'Landya B. McCafferty', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Landya B. McCafferty  
United States Magistrate Judge

Date: September 10, 2010  
cc: Gary S. Dean, pro se

LBM:jba